

In THE District Court OF the United STATES
For the Middle District OF Alabama
Northern Division

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LARRY CARL DIXON

Plaintiff

v.

Warden Willie Thomas et al

Defendants

2008 SEP 10 A 11:00
MARGARET R. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO. 2:06-CV-164-WKW

[WO]

MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL

Come now the Plaintiff Larry C. Dixon, Pro. se, herein,
The above styled cause, and moves this honorable
Court to grant his Motion for Extension of Time to
File Notice of Appeal Pursuant to Fed. Rule App. R.
4(a)(5) and 4(a)(6) and in support of his motion
Plaintiff shows unto the Court the following;

1. The Plaintiff was transferred from Bibb County Corr.
Facility to Elmore Corr. Facility on or about 8-1-08
And then was transferred to J.O. Davis Corr. Facility
on or about August 26, 2008 and during transfer,
the Plaintiff sent the Clerk an change of address.

2. The Plaintiff asserts, and avers, that the said Transfer's to different institutions done by defendants was in "bad faith" in order to impede, and deny Plaintiff access to Court, because he had been deemed A troublesome writer, simply by exercising his Constitutional Right to Access to Court.

3. While the Plaintiff was at Elmore Corr. Facility he received a copy of Magistrate Recommendation That was dated July 23, 2008, with a deadline of August 5, 2008 for Response and Rebuttal. The Plaintiff filed an objection within the prescribed time before the transfer on or about August 26, 2008. However, the Magistrate Judge arbitrarily dismissed the Plaintiff claim six days before the deadline July 30, 2008. Which is an manifest injustice and has prejudiced the Plaintiff by depriving Plaintiff of an de novo review of the motion for Objection, and right of Appeal to the 11th Cir. Court of Appeal. The Plaintiff did not receive notice of the said Dismissal of the Plaintiff case until September 2, 2008. And all of the foregoing was prematurely adopted by District Court, and to late to file notice of appeal. Premises Considered Plaintiff begs for grant of appeal